

**SAMPLE FORM X**

**SAMPLE NOTICE OF MOTION FOR AN ORDER FOR A  
SETTLED STATEMENT; PROPOSED SETTLED  
STATEMENT**

1 YOUR NAME  
Street Address  
2 City, State, ZIP  
Phone Number  
3 Email

4 In Propria Persona  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO  
10  
11

12 THE THREE BEARS,

13 Plaintiffs and Respondents,

14 v.  
15

16 GOLDBLOCKS,

17 Defendant and Appellant.  
18

) Appeal No.:

) Superior Court Case No.:

) NOTICE OF MOTION FOR AN ORDER  
) FOR A SETTLED STATEMENT ON  
) APPEAL IN LIEU OF REPORTER'S  
) TRANSCRIPT; MEMORANDUM OF  
) POINTS AND AUTHORITIES  
) (Rule 8.137(a), Cal. Rules of Ct.)

19 To The Three Bears, Plaintiffs and Respondents:

20 NOTICE IS HEREBY GIVEN that on \_\_\_\_\_, 2016, at \_\_\_\_\_ .m., or as  
21 soon thereafter as the matter may be heard, in Department \_\_\_\_\_ of this court, located at  
22 \_\_\_\_\_ [street address of court], Appellant Goldilocks will move for an order that she be  
23 allowed to set forth the oral proceedings by a settled statement in lieu of a reporter's transcript under  
24 Rule 8.137 of the California Rules of Court. This motion is made on the grounds that the  
25 proceedings in the trial court were not reported by a court reporter and a Settled Statement will not  
26 burden either the respondent or the court. [Or: the proceedings cannot be transcribed, or the appellant  
27 is unable to pay for a reporter's transcript and funds are unavailable from the Transcript  
28 Reimbursement Fund.]

1 The motion will be based on this Notice the attached Memorandum of Points and Authorities,  
2 the Declaration of Goldilocks, and such other oral and documentary evidence that may be submitted  
3 at the hearing.

4  
5 DATED: \_\_\_\_\_

\_\_\_\_\_  
Goldilocks, Appellant  
In Propria Persona

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7 DECLARATION OF GOLDSLOCKS IN SUPPORT OF  
8 MOTION FOR AN ORDER FOR A SETTLED STATEMENT  
9 IN LIEU OF A REPORTER'S TRANSCRIPT

10 I, Goldilocks, declare:

11 1. I am the Defendant and Appellant in this case. I have personal knowledge of the facts, and, if  
12 called as a witness, I am competent to testify to these things.

13 2. On August 1, 2002, I went to trial in this action against Plaintiffs The Three Bears. There was  
14 no court reporter present because I could not afford to pay for a court reporter. Using a Settled  
15 Statement on Appeal would save money for both me and my opponents.

16 3. The statement can be settled without any significant burden on my opponents or the court. A  
17 Proposed Settled Statement on Appeal is attached to this motion.

18 4. Without a court reporter, there is no reporter's transcript available for the Court of Appeal to  
19 review my appeal. [Or: I cannot afford to pay for a reporter's transcript and there are no funds  
20 available from the Transcript Reimbursement Fund.] For this reason, a settled statement in lieu of a  
21 reporter's transcript is needed.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing  
23 is true and correct.

24 Dated: \_\_\_\_\_

\_\_\_\_\_  
Goldilocks, Appellant  
In Propria Persona

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## MEMORANDUM OF POINTS AND AUTHORITIES

Rule 8.137 of the California Rules of Court allows an appellant to apply to the court for permission to use a settled statement on appeal instead of a reporter's transcript where the appellant can show: (a) a substantial cost saving will result and the statement can be settled without significantly burdening opposing parties or the court; (b) the designated oral proceedings were not reported or cannot be transcribed; or (c) the appellant is unable to pay for a reporter's transcript and funds are not available from the Transcript Reimbursement Fund. A party proceeding in forma pauperis is deemed unable to pay for a transcript.

The declaration shows that there was no court reporter at the hearing/trial in the trial court because defendant/appellant could not afford to pay for one. Without a court reporter, no reporter's transcript is available. Without a reporter's transcript, the Court of Appeal will not be able to conduct a proper review.

The Rules of Court require that a hearing be set no later than 10 days after respondent files proposed amendments or the time to do so expires, and that the clerk provide the parties with 5 days notice of the hearing. (Cal. Rules of Court, rule 8.137(b).) At the hearing, the judge must settle the record and set the times for appellant to prepare, serve, and file it.

### CONCLUSION

For these reasons, the court should make an order for a Settled Statement on Appeal in lieu of a Reporter's Transcript, and set a hearing date to settle the record on appeal.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Goldilocks, Appellant  
In Propria Persona

1 NAME  
2 Street Address  
3 City, State, ZIP  
4 Phone Number  
5 Email

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7 In Propria Persona

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

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11  
12 THE THREE BEARS, ) Appeal No.:  
13 )  
14 Plaintiffs and Respondents, ) Superior Court Case No.:  
15 v. ) APPELLANT'S PROPOSED SETTLED  
16 GOLDBLOCKS, ) STATEMENT IN LIEU OF REPORTER'S  
17 ) TRANSCRIPT  
18 ) (Rule 8.137(a), Cal. Rules of Ct.)  
19 Defendant and Appellant. )

20 On Appeal from the Superior Court of the State of California

21 County of San Diego

22 Honorable John Jones, Judge

23 I

24 REQUEST FOR AN ORDER FOR A SETTLED STATEMENT

25 ON APPEAL IN LIEU OF A REPORTER'S TRANSCRIPT

26 Defendant and Appellant, Goldilocks, respectfully requests an order for a settled statement on  
27 appeal in lieu of a reporter's transcript. Appellant submits the following condensed statement of the  
28 oral proceedings that are deemed material to the determination of the points on appeal. This  
statement is submitted pursuant to the provisions of Rule 8.137 of the California Rules of Court.

1 Appellant proposes the following narrative summary of the oral proceedings during trial:  
2 [NOTE: If the condensed narrative describes less than all of the testimony, the appellant must state  
3 the points to be raised on appeal, and the appeal will be limited to those points. (Cal. Rules of Court,  
4 rule 8.137(b).)]

5 A. Defendant's (Appellant's) Evidence

6 Goldilocks testified that on July 20, 2001, she was looking for a boarding facility to take a rest  
7 when she saw The Three Bears' house. The house was very large, there was no fence to indicate it  
8 was private property, the door of the house was open, and there was a mat at the front door that said  
9 "WELCOME." Goldilocks thought the house was a commercial boarding establishment because  
10 large amounts of food were set out as if for guests. She looked for someone to ask about spending  
11 the night and saw several sets of chairs and beds all in different sizes. She sat down on a bed and fell  
12 asleep. Goldilocks lives a few miles away on the other side of the forest from the Three Bears'  
House.

13 B. Plaintiffs' Evidence

14 Papa Bear testified he lives in San Diego, California with his wife, Mama Bear, and son, Baby  
15 Bear. Around 8:00 a.m. on July 20, 2001, they left their house to take a walk.

16 Gloria Gardner, the Bears' neighbor, testified she saw the Bear family leave their house  
17 without shutting the front door around 8:00 a.m. and saw Goldilocks enter the house at about 8:30.  
18 At about 9:30 a.m., she heard screams and saw Goldilocks run from the Bears' house.

19 Peter Rabbit testified he was on a stroll in the forest around 8:30 a.m. when he saw Goldilocks  
20 look into the Bears' house. Rabbit smelled sweet porridge and heard Goldilocks say, "I sure am  
21 hungry. I'll just have one bite." Rabbit then saw Goldilocks enter the house and, through the front  
22 door, he observed Goldilocks trying a spoonful from three bowls of porridge on the dining table. One  
23 bowl was a great big bowl, another was a medium-sized bowl, and the last one was a tiny bowl.  
24 Goldilocks stopped at the tiny bowl and exclaimed, "Yummy! This is just right!"

25 Mama Bear testified that when the Bear family returned from their walk, they saw they had  
26 left the front door open. Food was missing from the dining room table.

27 Baby Bear testified that when he returned from his walk with Papa Bear and Mama Bear, he  
28 found Goldilocks asleep in his bed. Baby Bear was terrified and screamed, which woke up

1 Goldilocks. Goldilocks appeared startled and confused and ran from the Bears' house. The traumatic  
2 effect of the encounter caused Baby Bear to seek psychological counseling from Dr. Sunshine and  
3 Dr. Stars. Baby Bear has spent \$50,000 in counseling expenses.

4 An expert bear cub psychologist, Dr. Dramatic, testified he has done extensive research in the  
5 phobias of young bears. He testified to the traumatic effects when a bear cub comes in contact with a  
6 human child. Baby Bear had physical symptoms of blackouts stemming from his encounter with  
7 Goldilocks as well as mental anguish requiring therapy.

8 C. Trial Court's Decision

9 After a civil trial on the matter, the court found Goldilocks had committed trespass. It entered  
10 a final judgment in favor of the Three Bears in the amount of \$50,000.

11 II

12 ADDITIONAL PAPERS

13 Under California Rules of Court, rule 8.137(b)(5), the copies of the following documents are  
14 attached:

- 15 1. 10 monthly billing statements from Dr. Sunshine, totaling \$30,000.  
16 2. 10 monthly billing statements from Dr. Stars, totaling \$20,000.

17 DATED: \_\_\_\_\_  
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19 *Your signature*  
20 YOUR NAME  
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